

RESOLUTION No. 21-50

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO A WORK ORDER BETWEEN MARLIN ENGINEERING, INC. AND THE CITY OF DORAL TO INCREASE THE AVAILABLE FUNDS FOR PROFESSIONAL SERVICES TO COVER THE COST FOR ADDITIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES AND PROJECT CLOSURE SERVICES FOR THE ROADWAY IMPROVEMENTS ALONG NW 112 AVENUE BETWEEN NW 25 STREET AND NW 34 STREET IN AN AMOUNT OF \$12,375.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$122,295.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on May 13, 2020 the Mayor and the City Council-Members adopted Resolution No. 20-28 (approved 5-0) authorizing the issuance of Work Order No. 19 to Marlin Engineering for the provision of Construction Engineering and Inspection (CEI) services of the NW 112th Avenue Improvements Project between NW 25th Street and NW 34th Street, in an amount not to exceed \$109,920.00; and

WHEREAS, Marlin Engineering original proposal considered a 5-month project duration; and

WHEREAS, on May 23, 2020 the construction phase of the Project was awarded to Florida Engineering and Development Corp. via Resolution No. 20-79 (approved 5 – 0), in an amount not to exceed \$1,862,027.77 (which included a 10% contingency for any unforeseen events); and

WHEREAS, the construction phase Notice to Proceed (NTP) was issued on June 22, 2020 and considered a project duration of 180 calendar days, setting the completion

date to December 19, 2020 (not considering weather days and other approved days);
and

WHEREAS, the construction of the project commenced immediately after the issuance of the NTP; and

WHEREAS, as a direct result of the Federally declared pandemic, the construction contractor submitted a change order request (COR #3) declaring “severe time related impacts” to labor force, material deliveries, and manufacturing of long lead purchase items, as result of COVID related positive infections and quarantines thereof;
and

WHEREAS, the City of Doral PWD negotiated a 42 Day “Non-Compensable” time extension in response to COR#3. In addition, 23 days were also granted as a result of twelve (12) approved weather days and eleven (11) approved construction days for extra work related to RFI response solutions; and

WHEREAS, the additional unforeseen efforts mentioned exhausted the available CEI funding; and

WHEREAS, in order to resume day-to-day inspections of construction, ensuring that the improvements are constructed consistent with the approved plans and allow for a proper closeout of the project, the PWD requested a proposal from Marlin to extend the CEI services at a diminished twelve (12) manhour week until the completion of the project; and

WHEREAS, the remaining twenty-eight (28) manhour weekly deficit will be expended by City of Doral Public Works Inspectors in efforts to curb costs; and

WHEREAS, PWD staff and Marlin negotiated the attached supplemental proposal on a time and material basis with a not to exceed amount of \$12,375.00; and

WHEREAS, City staff respectfully requests that the City Council approve the Amendment to Work Order No. 19 for Marlin Engineering, Inc., a copy which is attached hereto as Exhibit "A", for additional hours of CEI services and professional services for the Roadway Improvements along 112th Avenue Between NW 25th Street and NW 34th Street, for a revised total not to exceed amount of \$122,295.00; and

WHEREAS, funding for this request is available in the current Fiscal Year in the Public Works Department Transportation Fund, Account Num. 101.80005.500650.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. Approval. The Amendment to Work Order No. 19 between the City of Doral and Marlin Engineering, Inc. for CEI services for the Roadway Improvements along 112th Avenue Between NW 25th Street and NW 34th Street, in an amount not to exceed \$12,375.00 for a revised total not to exceed amount of \$122,295.00, a copy which is attached hereto as Exhibit "A", is hereby approved.

Section 3. Authorization. The City Manager is authorized to execute the Amendment to the Professional Services Agreement and expend budgeted funds on the behalf of the City in furtherance hereof.

Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and the provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Vice Mayor Cabrera who moved its adoption. The motion was seconded by Councilman Puig-Corve and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 10 day of February, 2021.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

EXHIBIT “A”

**FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF DORAL, FLORIDA
AND
MARLIN ENGINEERING, INC.**

This First Amendment to Marlin Engineering, Inc. Professional Services Agreement (PSA) made and entered into this __ day of _____, **2021**, by and between the City of Doral, Florida, a municipal corporation of the State of Florida ("City") and Marlin Engineering, Inc. ("Consultant") having its place of business at 1700 NW 66th, Avenue; Suite # 106 Plantation, Florida 33313, for the provision of Construction Engineering & Inspection (CEI) and Professional Services associated with the Roadway Improvements Project along NW 112th Avenue between NW 25th Street and NW 34th Street.

WHEREAS, the City of Doral is presently engaged in completing the construction of the Roadway Improvements Project along NW 112th Avenue between NW 25th Street and NW 34th Street ("Project"); and

WHEREAS, the City of Doral is presently contracted with Marlin Engineering, Inc. for the provision of Construction Engineering & Inspection (CEI) and professional services for the Project; and an increase in the CEI and professional services hours is required to prevent an interruption in services and be able to have day-to-day oversight of the construction, ensuring that the improvements are constructed consistent with the approved plans and allow for a proper closeout of the project; and

WHEREAS, the original cost for the professional services contracted for the Project approved by the Professional Services Agreement was a not to exceed amount of \$109,920.00; and

WHEREAS, as a direct result of the Federally declared pandemic, the construction contractor submitted a change order request (COR #3) declaring "severe time related impacts" to labor force, material deliveries, and manufacturing of long lead purchase items, as result of COVID related positive infections and quarantines thereof; and

WHEREAS, the City of Doral PWD negotiated a 42 Day "Non-Compensable" time extension in response to COR#3. In addition, 23 days were also granted as a result of twelve (12) approved weather days and eleven (11) approved construction days for extra work related to RFI response solutions; and

WHEREAS, the additional unforeseen efforts mentioned depleted the available CEI funding; and

WHEREAS, In order to resume day-to-day inspections of construction, ensuring that the improvements are constructed consistent with the approved plans and allow for a proper closeout of the project, the PWD requested a proposal from Marlin to extend the CEI services at a diminished twelve (12) manhour week until the completion of the project; and

WHEREAS, the remaining twenty-eight (28) manhour weekly deficit will be expended by City of Doral Public Works Inspectors in efforts to curb costs; and

WHEREAS, PWD staff and Marlin negotiated the attached supplemental proposal on a time and material basis with a not to exceed amount of \$12,375.00; and

WHEREAS, City staff respectfully requests that the City Council approve the Amendment to the Professional Services Agreement with Marlin Engineering, Inc. a copy which is attached hereto as Exhibit "A", for additional hours of CEI services and professional services for the Roadway Improvements along 112th Avenue Between NW 25th Street and NW 34th Street, for a revised total not to exceed amount of \$122,295.00; and

WHEREAS, Marlin Engineering, Inc. Professional Services Agreement with the City of Doral was approved by the Mayor and the City Council - Members via Resolution No. 17-202.

NOW THEREFORE, in consideration of the mutual covenants set forth in this First Amendment, the parties agree as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Amendments. The following Sections of the Professional Services Agreement are hereby amended to read as follows:

Attachment: Consultant Work Order Staff Hours and Fees 01/20/2021
"GRAND TOTAL NOT TO EXCEED: ~~\$109,920.00~~ \$122,295.00."

EXCEPT AS PROVIDED HEREIN, all other terms and conditions of the PSA dated May 13th, 2020, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original.

WITNESSES:

CONSULTANT: EAC Consulting, Inc.

Typed Name: _____

By: _____
Name: _____
Title: _____

ATTEST:

CITY OF DORAL

Connie Diaz, City Clerk

By: _____
Albert P. Childress, City Manager

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE SOLE USE
OF THE CITY OF DORAL:

By: _____
Name: Luis Figueredo, ESQ.
Title: City Attorney

January 20, 2021

Julio Amoedo
Chief of Construction
City of Doral Public Works Department
8401 NW 53rd Terrace
Doral, FL 33166

CONSULTANT WORK ORDER

NW 112th Avenue from NW 25th Street to NW 34th Street/NW 27th Street from NW 112th Avenue to NW 109th Avenue CEI Services

Dear Mr. Amoedo,

Marlin Engineering, Inc. (MARLIN) proposes to provide the services identified below for the project entitled “**NW 112th Avenue from NW 25th Street to NW 34th Street/NW 27th Street from NW 112th Avenue to NW 109th Avenue**”, pursuant to the Continuing Services Final Agreement provided by the City of Doral (The City) for Engineering and Architectural services, dated December 29, 2020.

I. GENERAL

Pursuant to the Scope of Work of the Continuing Services Final Agreement, MARLIN shall provide professional services in support of the City’s Department of Public Works for the above mentioned project. MARLIN shall administer the contract for this project and provide field observation and oversight services to ensure construction of improvements is in reasonable close conformance to the approved contract documents and the City of Doral policies and procedures. This includes but is not limited to any coordination between governing agencies, overseeing safety concerns, and ensuring compliance with MOT plans. In addition, MARLIN will verify quantities installed by the Contractor and make payment recommendation to the City. This shall be accomplished within the following tasks:

II. SCOPE OF WORK

- A. Task 1- Monitor Contractor implementation and compliance with MOT plans along the project
 - a. Review Safety Plans and MOT plans for compliance.
 - b. Work Day review of MOT set up.
- B. Task 2- Monitor new Drainage System Installation and connections to existing structures
 - a. Oversight of installation of new structures (Inlets and Manholes).
 - b. Oversight of installation of new exfiltration trenches.
- C. Task 3- Monitor new Curb and Gutter and concrete installation by Contractor
 - a. Oversight of installation of concrete sidewalk
- D. Task 4- Monitor Milling and Resurfacing and Widening by Contractor
- E. Task 5- Monitor the signing and pavement markings installation by Contractor
 - a. Oversight of the relocation and removal of signing by Contractor
 - b. Oversight of the installation of pavement markings by Contractor
- Task 6- Monitor the signalization installation by Contractor
 - a. Oversight of installation of loop assemblies
- F. Task 7– Monitor new lighting system installation by Contractor
 - a. Oversight of installation of conduit and conductor



- b. Oversight of installation of light poles
- G. Task 8 – Monitor installation of sod by Contractor
- H. Task 9 – Monitor OSHA safety standards
 - a. Ensure that all personnel and visitors on the job site are wearing the appropriate personal protective equipment including hard hats, vests, eye protection, etc.
 - b. Ensure that all safety practices are being to adhered including “trench safety” specifically, that all proper shoring/sloping is applied when needed and ladders are in trenches are in place for ingress/egress when needed.
 - c. Ensure that all equipment (heavy and light) is operational and safe.
- I. Task 10 - Generate daily reports and summarize on a weekly basis all events of relevance while performing tasks 1 to 8.
- J. Task 11 - Review Change Orders and Pay Applications. Perform Substantial Completion and Final inspection and physical walk-through of the project and prepare a punchlist for the Contractor.

III. SCHEDULE OF WORK – TIME OF PERFORMANCE

MARLIN shall submit the Deliverables and perform the Work as depicted in the tables below

SCHEDULE OF DELIVERABLES		
Sheet or ID Number	Deliverable	Anticipated Delivery Date
	Daily/Weekly Construction Reports	Weekly and at the completion of the job
	Review of estimates for payment applications.	Upon submittal of the payment application by the Contractor.
	Review of change orders	Upon submittal of the change order by the Contractor



SCHEDULE OF WORK				
Task	Task Name	Duration of Tasks <i>(specify weeks, months, calendar or working days)</i>	Projected Start date	Projected Finish Date*
1	Monitor Contractor MOT compliance	60 Calendar Days	NTP	NTP + 60 CD's
2	Monitor new drainage system installation	60 Calendar Days	NTP	NTP + 60 CD's
3	Monitor new Curb and Gutter and concrete installation	60 Calendar Days	NTP	NTP + 60 CD's
4	Monitor milling and resurfacing and widening	60 Calendar Days	NTP	NTP + 60 CD's
5	Monitor signing and pavement markings installation	60 Calendar Days	NTP	NTP + 60 CD's
6	Monitor signalization installation	60 Calendar Days	NTP	NTP + 60 CD's
7	Monitor lighting installation	60 Calendar Days	NTP	NTP + 60 CD's
8	Monitor sod installation	60 Calendar Days	NTP	NTP + 60 CD's
9	Monitor OSHA standards and ensure compliance	60 Calendar Days	NTP	NTP + 60 CD's
10	Review of estimates for payment applications. Generate daily reports and summarize on a weekly basis	8 Weeks	NTP	NTP + 60 CD's
11	Review Change Orders and Pay Applications. Perform Substantial and Final Inspection. Prepare punch list.	2 days	NTP	NTP + 60 CD's

*An updated schedule, indicating actual delivery dates, based on the above durations, will be provided to the City upon receipt of the NTP.

MARLIN will provide the City with the Services defined by Task 1 through Task 11, above. The anticipated Notice to Proceed for these Services is: February 2021. As requested, the proposal is for a duration time of 60 Calendar Days.



IV. COMPENSATION

MARLIN shall perform the Work detailed in this Proposal for an Hourly Rate, Not to Exceed fee of Twelve Thousand and Three Hundred Seventy Five with 00 cents (\$12,375.00). This Proposal is based exclusively on the staff outlined in the attached Estimate of Work Effort Schedule. If multiple crews are used by the Contractor, MARLIN will require additional Observers to monitor simultaneous work. The City shall not be liable for any fee, cost, expense or reimbursable expense or other compensation beyond this amount. Reimbursable Expenses if applicable, shall be utilized in accordance with the Agreement Provisions and shall conform to the limitations of Florida Statutes § 112.061.

SUMMARY OF COMPENSATION			
<i>Task or Activity ID #</i>	<i>Major Task Name and/or Activity Description</i>	<i>Fee Amount</i>	<i>Fee Basis</i>
1 thru 9	NW 112th Avenue from NW 25th Street to NW 34th Street/NW 27th Street from NW 112th Avenue to NW 109th Avenue CEI Services Construction Engineering Inspection Services	\$12,375.00	Hourly Rate, Not to Exceed

V. DATA PROVIDED BY CITY

CITY shall provide MARLIN with any data information available to perform the scope of work. The CITY shall provide plans and specifications for the project for MARLIN's use in the performance of services.

Submitted by: _____

Jose L Santiago, PE
Marlin Engineering, Inc.

_____ Date

Approved by: _____

Julio Amoedo
City of Doral

_____ Date



Consultant Fee Proposal Worksheet

Consultant Name: Marlin Engineering, Inc.

Contract No.:

Date: 1/20/2021

Work Order No:

Project: City of Doral - NW 112th Avenue and NW 27th Street CEI - Supplement

Project No.: Description:

STAFF CLASSIFICATION

Job Classification Assigned Staff Approved Rate	Construction Insp Sandro Rodriguez Rate: \$75.00		Senior Engineer Roxana Matamoros Rate: \$160.00		Rate:		Rate:		Rate:		Rate:		Title Name		Staff Hours	Salary	Average
	Man hours	Cost/ Task	Man hours	Cost/ Task	Man hours	Cost/ Task	Man hours	Cost/ Task	Man hours	Cost/ Task	Man hours	Cost/ Task	Man hours	Cost/ Task	By Task	Cost By Task	Rate Per Task
1 Full Time Field Inspection (Tasks 1-10)	101	\$7,575													101	\$7,575	\$75.00
2 Task 11 - Perform Reviews and Walkthrough			26	\$4,160											26	\$4,160	\$160.00
3 Progress Meetings			4	\$640											4	\$640	\$160.00
4																	
5																	
6																	
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27																	
Total Staff Hours	101		30												131		
Total Staff Cost		\$7,575.00		\$4,800.00												\$12,375.00	\$94.47
Total % of Work by Position	77.1%		22.9%														

Note: Fee for the Principal(s) of the firm are not to be included above as the multiplier is not applicable to their hours. The fee is to be shown below and entered as a separa

1 - SUBTOTAL ESTIMATED FEE: multiplier 1.00

Estimate of Principal's Fee

_____ Total hours _____ / hour = \$ _____

- Notes:
1. This sheet is to be used by Prime Consultant to calculate the Grand Total Fee and one is to be used for each Subconsultant
 2. Manually enter fee from each subconsultant. Unused subconsultant rows may be hidden
 3. Where applicable the basis for work activity descriptions shall be the FICE/FDOT Standard Scope and Staff Hour Estimation Handbook.
 4. Enter the multiplier value in the field after the word "multiplier" Maximum of 2 decimal points.

Subconsultant:
 Subconsultant:
 Principal's Fee
2 - SUBTOTAL ESTIMATED FEE:
 Geotechnical Field/Lab Testing:
 Survey Fee (or Survey Crew Fee):
 Other Misc. Fee: Enter Fee Description
3 - SUBTOTAL ESTIMATED FEE:
 Additional Services (Allowance)
 Reimbursables (Allowance)
GRAND TOTAL ESTIMATED FEE:

\$12,375.00
\$ -
\$12,375.00
\$12,375.00
\$12,375.00